


Amending Land Use Plans with Programmatic EISs

BLM 2009 National Land Use Planning Conference
“Keeping Pace with Change”

Session Overview

- Programmatic EISs and Tiering (S. Stewart)
 - BLM Programmatic EISs (S. Stewart)
 - Programmatic EISs Lessons Learned (K. Winthrop)
 - Programmatic vs. Site-Specific EISs (I. Hlohowskyj)
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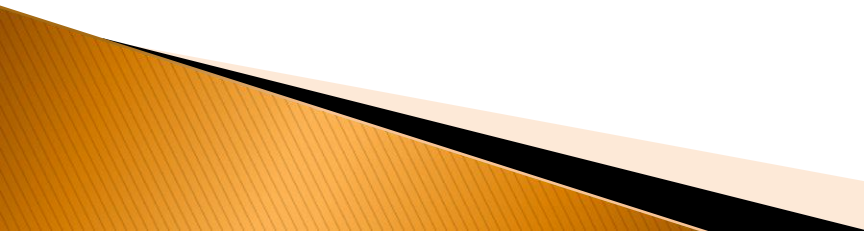
What is a Programmatic EIS (PEIS)?

- ▶ EIS – CEQ regulations do not define the term “Programmatic Analyses” separately.
- ▶ 40 CFR 1502.4(b) – EISs may be prepared for broad Federal actions such as the adoption of new agency programs or regulations.
- ▶ 40 CFR 1502.4(c) – When preparing statements on broad actions agencies may find it useful to evaluate proposals in one of the following ways:
 - Geographically, actions occurring in the same general location
 - Generically, actions that have relevant similarities
 - By stage of technological development

Types of Actions that PEISs Support

- ▶ **Adopting Official Policy**
 - National-level rulemaking
 - Adoption of agency-wide policy
- ▶ **Adopting Formal Plan**
 - Adoption of an agency plan for a group of related projects
- ▶ **Adopting Agency Program**
 - A new agency mission or initiative
 - Redesign of existing programs
- ▶ **Approving Site-Wide or Area-Wide Actions**
 - Similar actions in a region
 - Multiple actions that share a common geography or timing

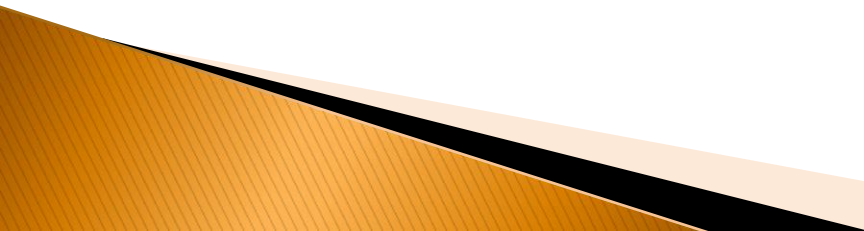
PEISs Generally...

- ▶ Used for broad geographic areas
 - ▶ Assess impacts across a span of conditions (facilities, geographic regions or multi-project programs)
 - ▶ Emphasize cumulative impacts
 - ▶ Emphasize policy level alternatives
 - ▶ Emphasize program level mitigation measures and BMPs
 - ▶ Do not define facilities or specific sites
 - ▶ Tend to be more generic and conceptual than project-specific EISs
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Tiering

- ▶ In cases where a broad policy, plan, program or project will later be translated into site-specific projects, subsequent analyses are referred to as “tiered” analyses.
- ▶ 40 CFR 1508.28 – “Tiering” refers to the coverage of general matters in a broader EIS with subsequent narrower EISs or EAs incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared.

Benefits of PEISs and Tiering

- ▶ Focus on issues ripe for decision at each level of environmental review (40 CFR 1502.20)
 - ▶ Opportunity to evaluate potential cumulative impacts of the reasonably foreseeable actions under a program (40 CFR 1502.4(c))
 - ▶ Reduce paperwork (40 CFR 1500.4)
 - ▶ Reduce delay (40 CFR 1500.5)
 - ▶ Opportunity to prepare EA/FONSI for individual actions when there are no new significant impacts (NEPA Handbook 5.2.2)
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PEIS Challenges

- ▶ Scope
 - ▶ Content
 - ▶ Specificity of Analysis
 - ▶ Alternatives
 - ▶ Addressing Deferred Issues
 - ▶ Handling Proposals while Preparing a PEIS
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Examples of BLM PEISs

Name	Action	Agency	Status
Wind Energy AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY	Amend 52 land use plans to identify lands suitable for wind energy development ROW applications (no plans amended in AZ or CA).	BLM	ROD signed December, 2005
Oil Shale and Tar Sands CO, UT, WY	Amend 10 land use plans to allocate lands suitable for consideration of leasing proposals.	BLM	ROD signed November, 2008
Geothermal Leasing AK, AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY	Amend 114 land use plans to identify lands as open or closed to geothermal leasing and to adopt stipulations, BMPs and procedures for leasing.	BLM, FS	ROD signed December, 2008
West-Wide Energy Corridors AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, WY	Amend 130 land use plans to designate energy transport corridors on federal lands suitable for proposed pipeline and transmission line ROW applications.	BLM, FS, DOD, DOE, FWS, NPS	RODs signed January, 2009 (BLM, FS)
Solar Energy Development AZ, CA, CO, NM, NV, UT	Goal is to amend land use plans to identify lands suitable for solar energy development ROW applications.	BLM	Draft PEIS scheduled for Summer, 2009

BLM PEIS Decisions

- ▶ Allocate lands as open or closed to leasing or right-of way authorizations; designate energy transport corridors
 - ▶ Develop a reasonably foreseeable development scenario
 - ▶ Adopt stipulations, BMPs, mitigation measures and Interagency operating procedures applicable to future projects
 - ▶ Adopt standard processes and procedures for leasing or right-of way authorizations
 - ▶ Amend BLM land use plans to adopt all of the above
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BLM PEIS Implementation

- ▶ PEIS's do not authorize any on-the-ground activities or waive environmental review for subsequent individual actions.
 - ▶ All future development projects must be in conformance with the existing land use plan as amended.
 - Land use plan amendments via a PEIS adopt the resource allocations, reasonably foreseeable development scenario, stipulations, BMPs and procedures.
 - ▶ Site-specific concerns and the development of additional mitigation measures will be addressed in project-level reviews tiered to the analysis in the PEIS.
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